

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DWAYNE DOOLIN,

Plaintiff,

v.

DR. MARTHAKIS, et al.,

Defendants.

CAUSE NO. 3:19-CV-1009-JD-MGG

OPINION AND ORDER

Dwayne Doolin, a prisoner without a lawyer, is proceeding in this case against Dr. Marthakis, Sherry Fritter, Nurse J. Burrell, and Nurse Lacy Gorske in their individual capacities for compensatory and punitive damages, for failing to order a soy-free diet for Doolin from May 24, 2019, until August 2, 2019, while he was housed at Indiana State Prison, despite knowledge that he suffers from a documented allergy to soy, in violation of the Eighth Amendment. Doolin was transferred to the Westville Correctional Control Unit several months ago. ECF 33. Now he has filed a motion seeking injunctive relief against the defendants and “the entities they represent.” ECF 42. He wants the court to order that he be provided with a soy-free diet at his new facility. Doolin was not granted leave to proceed against the defendants for injunctive relief. He is proceeding against the defendants in their individual capacities for compensatory and punitive damages only. Furthermore, the defendants cannot provide the relief he requests because he is no longer at Indiana State Prison. The entities that employ the defendants are not parties to this litigation, and this court does not have the authority to order them to provide Doolin with a soy-free diet.

An injunction, like any “enforcement action,” may be entered only against a litigant, that is, a party that has been served and is under the jurisdiction of the district court. *Lake Shore Asset Mgmt., Ltd. v. Commodity Futures Trading Comm’n*, 511 F.3d 762, 767 (7th Cir. 2007); *see also Audio Enters., Inc. v. B & W Loudspeakers*, 957 F.2d 406, 410 (7th Cir. 1992) (vacating preliminary injunction because defendant had not been served).

Maddox v. Wexford Health Sources, Inc., 528 Fed. Appx. 669 (7th Cir. 2013). Here, the request for injunctive relief falls outside the scope of the complaint.

For these reasons, the Plaintiff’s Request for Emergency Injunction (ECF 42) is DENIED.

SO ORDERED on June 10, 2021

/s/JON E. DEGUILIO
CHIEF JUDGE
UNITED STATES DISTRICT COURT